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Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

NOVEMBER 4, 2019

9:30

Calendar No. 19-235:

1926 West 52 Street

Ward 15

Matt Zone

12 Notices

Elmhurst Homes, owner, proposes to install an air conditioning unit in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 357.13 (b) of Cleveland Codified Ordinances which states that the air conditioning unit is not permitted in the required front yard. (Filed September 17, 2019)

9:30

Calendar No. 19-236:

2237 Chestnut Hills Dr.

Ward 6

Blaine A. Griffin

6 Notices

Bob and Margo Roth, owners, propose to erect a bedroom and carport addition to a residence and a concrete ramp in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a)(6)(A)(2) which states that an attached carport must be located in the rear half of lot of or at 193' feet back and the appellant is proposing 151'-7".
2. Section 357.09(b)(2) which states that a 10 foot minimum Interior Side Yard is required and the appellant is proposing 3'-2". (Filed September 18, 2019)

9:30

Calendar No. 19-237:

13459 Wainfleet Ave.

Ward 16

Brian Kazy

21 Notices

Fayeq Hassounah, owner, and Thamer Mohamad Tajer, tenant, propose to keep 3 goats, 6 sheep and 20 chickens on a 5,120 square foot lot in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.02(b)(1)(a) which states that in a residential district, one chicken may be kept for each 800 square feet of lot area. 6 chickens are permitted, 20 are proposed.
2. Section 347.02(c)(1) which states that in Residential Districts, no goats, pigs, sheep or similar farm animals shall be kept on a parcel of land less than twenty-four thousand (24,000) square feet in area. The subject property is 5,120 square feet. (Filed September 19, 2019)

9:30

Calendar No. 19-238:

1714 Randall Rd.

Ward 3

Kerry McCormack

18 Notices

Christine Jindra Trust, owner, proposes to erect a two story garage and bedroom addition to existing single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(6)(B)(1) which states that an attached garage on a corner lot shall be on the rear half of the lot.
2. Section 357.08(3) which states that the required Rear Yard for an irregular shaped lot is 10 feet and the appellant is proposing 2'-10".
3. Section 358.04(a) which states that the maximum height permitted for fences in the Front Yard Setback is 4 feet and must be 50 percent open; the appellant is proposing 7 lineal feet of 6' high wooden fence and a 3 foot solid wooden fence. (Filed September 20, 2019)

9:30

Calendar No. 19-242:

5903 West Clinton Ave.

Ward 15

Matt Zone

11 Notices

Saad Munzar, owner, proposes to install an air conditioning unit in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 357.13 (c) of Cleveland Codified Ordinances which states that an air conditioning unit is not permitted in the required interior side yard. (Filed September 17, 2019)

9:30

Calendar No. 19-243:

2695 East 55 Street

Ward 5

Phyllis Cleveland

18 Notices

Carey Holdings Inc., owner, proposes to install a rock crusher/shredder for recycling demolition waste in a C2 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.572 which states that "Rock Crushing" means any activity that uses mechanical processes to break down rock into gravel or other small particulate matter. Rock means any man-made or naturally formed consolidated or coherent and relatively hard mass of material including but not limited to stone, concrete, cement, asphalt, conglomerate or any similar material.
2. Section 345.03 which states that Rock Crushing is not permitted in a Semi-Industry District, but first permitted in a General Industry District only as an accessory use per Section 345.04(b)(15), and only upon special permit issued by the Board of Zoning Appeals per Section 345.04(c), in accordance with the criteria of Section 345.04(c)(1) and (2).
3. Section 345.03 which states that the operation of a construction and demolition debris processing facility is not permitted in a Semi-Industry District, first permitted in a General Industry District, per Section 345.04(a)(8) and if such uses are enclosed with a minimum seven (7) foot high solid masonry wall or solid, nontransparent, opaque, well-maintained substantial fence not closer to the street line than the setback building line. Materials shall not be stored more than eight (8) feet

above the top height of the wall or fence enclosing the property measured from the outside base elevation of the required screening fence.

4. Section 349.07 which states that all vehicle maneuvering areas required to be paved. (Filed September 24, 2019)

9:30

Calendar No. 19-245:

705 East 156 Street

Ward 8

Michael Polensek

24 Notices

Kevin Jones, owner, and Shaheed Bilal, Lessee, propose to establish use of a former storefront for sales of food items in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that a store for sale of food items is not permitted in a Two Family Residential District.
2. Section 359.02 which states that a nonconforming use of a building or premises which has been discontinued shall not thereafter be returned to such nonconforming use.
3. Section 359.02 (b) which states that a nonconforming use shall be considered discontinued: (1) when the intent of the owner to discontinue the use is express; or (2) when the use is voluntarily discontinued for six (6) months or more. The intent to voluntarily discontinue a use may be implied from acts or the failure to act, including, but not limited to, the removal of and failure to replace the characteristic equipment and furnishings; or (3) The cessation of business operations for two (2) years or more unless the cessation of business operations was caused by factors out of the control of the business such as the disability or illness of the proprietor or governmental action unrelated to the behavior of the business. If the business operations have ceased for more than two (2) years, the presence of characteristic equipment and furnishings is not relevant; (4) When it has been placed by a conforming use; or (5) When it has been changed to another use under permit from the Board of Zoning Appeals.(Filed September 28, 2019)

9:30

Calendar No. 19-246:

2458 Tremont Ave.

Ward 3

Kerry McCormack

11 Notices

Michael Clements, owner, proposes to change use of a two family house to a three family residence and establish 4 parking spaces in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.05 which states that no parking space shall be less than 10' from a wall containing ground floor windows and the appellant is proposing 9'5".
2. Section 349.07(a) which states that Parking area shall be properly graded for drainage of lot.
3. Section 349.07(b) which states that a parking space requires wheel bumper stops.
4. Section 349.08 which states that a screening fence, shrubs or a wall at least 3 feet tall is required.
5. Section 355.04 which states that the Required Minimum Lot Area is 7,200 square feet and the appellant is proposing 6,534 square feet.

6. Section 357.09(b)(2)(D) which states that the Minimum required distance from property line is 7 feet and the appellant is proposing 4'-3". Total of both Interior Side Yards is 14'. (Filed September 25, 2019)

9:30

Calendar No. 19-247:

5100 Pearl Rd

Ward 13

Kevin J. Kelley

13 Notices.

Pearl Plaza Mini Storage, owner, and Jim's All Seasons LLC., lessee, propose to establish use for outside truck storage and temporary staging of tree material in a C3 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that outside storage of used material is not permitted in a Semi-Industry District.
2. Section 345.04(a)(4) which states that any material stored in an unclosed premises to a height greater than four feet above grade level shall be surrounded by a substantial seven foot tall wall or fence erected to observe all required building lines.
3. Section 349.04(j) which states that 10% of the gross floor area is required for parking; none is shown.
4. Section 349.07(a) which states that driveways and vehicle maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, and surfaced with concrete, asphalt, or other acceptable paving material maintained in good condition. No drainage or specific detail shown. Driveway and aprons must also be shown on plan. (Filed September 26, 2019)

9:30

Calendar No. 19-249:

3533 Granton Ave.

Ward 17

Martin J. Keane

10 Notices

Conor McGuirk, owner, proposes to erect a two story addition to existing single family residence in an A1 One-Family Residential District. The owner appeals for relief from the strict application of Section 357.09(b)(2) of the Cleveland Codified Ordinances which states that a 10 foot interior side yard is required and the appellant is proposing 5 feet. (Filed September 26, 2019)

9:30

Calendar No. 19-250:

844 London Rd.

Ward 8

Michael Polensek

22 Notices

Robert L. Whitsett, owner, proposes to establish use as a Residential Facility in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that a "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and

personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.

2. Section 337.08(g) which states that a Residential Facility is permitted in a Multi-Family Residential District only when there is not another such facility within 1,000 feet. Another such facility, London Bridges Adult Day Care, is located at 856 London Road, and is within 1,000 feet of proposed use. (Filed September 27, 2019)

9:30

Calendar No. 19-251: 2402 Colburn Ave.

Ward 13

Kevin Kelley

20 Notices

Joe Danczak, owner, proposes to establish use as storage of construction equipment in a C2 Limited Retail Business. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

(Filed September 30, 2019)

1. Section 343.22(b) which states that storage of construction equipment is not permitted use in a Limited Retail Business District but is first permitted in a Semi-Industry District.
2. 358.05(a)(2) which states that a fence in a retail zoning district cannot exceed six feet and a seven foot tall fence is proposed along rear property line.
3. Section 394.04(j) which states that parking for storage use is required at the rate of the 10% of the gross floor area and no parking is proposed. Per 349.07 all parking and vehicle maneuvering areas must be paved.
4. Sections 352.08 through 352.12 which state that a ten foot wide landscaped transition strip providing 75% year round opacity is required where proposed use abuts residence district to the east. (Filed September 30, 2019)